

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty) JUN 2005

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 0794.043WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US2004/016481	International filing date (day/month/year) 25.05.2004	Priority date (day/month/year) 03.06.2003	

International Patent Classification (IPC) or national classification and IPC  
H01L21/20, C30B25/02, H01L21/00

Applicant  
THE RESEARCH FOUNDATION OF STATE UNIVERSITY et al.

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a.  (sent to the applicant and to the International Bureau) a total of sheets, as follows:
    - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b.  (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
  - Box No. I Basis of the opinion
  - Box No. II Priority
  - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - Box No. IV Lack of unity of invention
  - Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - Box No. VI Certain documents cited
  - Box No. VII Certain defects in the international application
  - Box No. VIII Certain observations on the international application

Date of submission of the demand 03.01.2005	Date of completion of this report 17.06.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Telephone No. +49 30 25901-  

INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY

International application No.  
PCT/US2004/016481

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-29 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US2004/016481

## Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
  - the entire international application,
  - claims Nos.  
because:
    - the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
    - the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):
    - the claims, or said claims Nos. 1-29 are so inadequately supported by the description that no meaningful opinion could be formed.
    - no international search report has been established for the said claims Nos.
    - the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form	<input type="checkbox"/> has not been furnished
	<input type="checkbox"/> does not comply with the standard
the computer readable form	<input type="checkbox"/> has not been furnished
	<input type="checkbox"/> does not comply with the standard
    - the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- See separate sheet for further details

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
PCT/US2004/016481

**Reference is made to the following document:**

D1: US-A-6 032 611 (ASAKAWA TOSHIKUMI ET AL) 7 March 2000 (2000-03-07)

**Re Item III**

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The present application does not comply with **Article 5 PCT** for the following reasons:

The application as whole deals with the deposition of a polycrystalline buffer layer on a substrate, the formation of an amorphous layer at the interface between said polycrystalline buffer layer and said buffer and the deposition of a monocrystalline layer on said polycrystalline buffer layer (see independent claim 1).

This last step of depositing a monocrystalline layer on a polycrystalline buffer is not disclosed in a sufficient manner for the claimed method to be carried out by a person skilled in the art: a polycrystalline material is per definition composed of many small crystal grains of various orientations. During the deposition of a lattice -matched material onto a polycrystalline buffer, **each grain** at the surface of the polycrystalline buffer **will locally impose its crystalline orientation to the growing material, thereby imposing the polycrystalline structure of the deposited layer.**

It is not to be found in the present application how the deposition of a monocrystalline layer on a polycrystalline substrate is to be carried out.

Document D1 (see cited passage in search report) explicitly states the impossibility of monocrystalline deposition on a polycrystalline support by the normal deposition processes.

The present application therefore does not comply with Article 5 PCT and the claimed subject-matter cannot be examined with regard to novelty, inventive step and industrial applicability.